

By: Turner

H.B. No. 2321

Substitute the following for H.B. No. 2321:

By: Pickett

C.S.H.B. No. 2321

A BILL TO BE ENTITLED

AN ACT

1
2 relating to low-income vehicle repair assistance, retrofit, and
3 accelerated vehicle retirement programs and local initiative
4 projects.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 382.201, Health and Safety Code, is
7 amended by adding Subdivision (4-a) to read as follows:

8 (4-a) "Purchase" means a transaction in which a
9 person:

10 (A) buys a vehicle; or

11 (B) leases a vehicle for a period of at least
12 three years under an agreement that allows the vehicle to be driven
13 at least 12,000 miles a year without a penalty.

14 SECTION 2. Section 382.202(g), Health and Safety Code, is
15 amended to read as follows:

16 (g) The commission shall:

17 (1) use part of the fee collected under Subsection (e)
18 to fund county [~~low-income vehicle repair assistance, retrofit, and~~
19 ~~accelerated vehicle retirement~~] programs and projects as provided
20 by Section 382.220 [~~created under Section 382.209~~]; and

21 (2) to the extent practicable, distribute available
22 funding created under Subsection (e) to participating counties in
23 reasonable proportion to the amount of fees collected under
24 Subsection (e) in those counties or in the regions in which those

1 counties are located.

2 SECTION 3. Sections 382.209(b) and (e), Health and Safety
3 Code, are amended to read as follows:

4 (b) The commission shall provide funding for local
5 low-income vehicle repair assistance, retrofit, and accelerated
6 vehicle retirement programs as provided by Section 382.220 [~~with~~
7 ~~available funds collected under Section 382.202, 382.302, or other~~
8 ~~designated and available funds~~]. The programs shall be
9 administered in accordance with Chapter 783, Government Code.
10 Program costs may include call center management, application
11 oversight, invoice analysis, education, outreach, and advertising.
12 Not more than 10 percent of the money provided to a local low-income
13 vehicle repair assistance, retrofit, and accelerated vehicle
14 retirement program [~~under this section~~] may be used for the
15 administration of the program [~~programs~~], including program costs.

16 (e) A vehicle is not eligible to participate in a low-income
17 vehicle repair assistance, retrofit, and accelerated vehicle
18 retirement program established under this section unless:

- 19 (1) the vehicle is capable of being operated;
- 20 (2) the registration of the vehicle:
- 21 (A) is current; and
- 22 (B) reflects that the vehicle is [~~has been~~]
23 registered in a a [~~the~~] county implementing the program [~~for at least~~
24 ~~12 of the 15 months preceding the application for participation in~~
25 ~~the program~~];

26 (3) the commissioners court of the county
27 administering the program determines that the vehicle meets the

1 eligibility criteria adopted by the commission, the Texas
2 Department of Motor Vehicles, and the Public Safety Commission;

3 (4) if the vehicle is to be repaired, the repair is
4 done by a repair facility recognized by the Department of Public
5 Safety, which may be an independent or private entity licensed by
6 the state; and

7 (5) if the vehicle is to be retired under this
8 subsection and Section 382.213, the replacement vehicle is a
9 qualifying motor vehicle.

10 SECTION 4. Sections 382.210(a), (b), and (f), Health and
11 Safety Code, are amended to read as follows:

12 (a) The commission by rule shall adopt guidelines to assist
13 a participating county in implementing a low-income vehicle repair
14 assistance, retrofit, and accelerated vehicle retirement program
15 authorized under Section 382.209. The guidelines at a minimum
16 shall recommend:

17 (1) a [~~minimum and~~] maximum amount for repair
18 assistance of at least \$800;

19 (2) an [~~a minimum and maximum~~] amount to be put toward
20 the purchase price of a replacement vehicle qualified for the
21 accelerated retirement program, based on vehicle type and model
22 year, of at least [~~with the maximum amount not to exceed~~]:

23 (A) \$4,000 [~~\$3,000~~] for a replacement car of the
24 current model year or the previous four [~~three~~] model years, except
25 as provided by Paragraph (C);

26 (B) \$4,000 [~~\$3,000~~] for a replacement truck of
27 the current model year or the previous three [~~two~~] model years,

1 except as provided by Paragraph (C); and

2 (C) \$4,500 [~~\$3,500~~] for a replacement vehicle of
3 the current model year or the previous four [~~three~~] model years
4 that:

5 (i) is a hybrid vehicle, electric vehicle,
6 or natural gas vehicle; or

7 (ii) has been certified to meet federal
8 Tier 2, Bin 3 or a cleaner Bin certification under 40 C.F.R. Section
9 86.1811-04, as published in the February 10, 2000, Federal
10 Register;

11 (3) criteria for determining eligibility, taking into
12 account:

13 (A) the vehicle owner's income, which may not
14 exceed 300 percent of the federal poverty level;

15 (B) the fair market value of the vehicle; and

16 (C) any other relevant considerations;

17 (4) safeguards for preventing fraud in the repair,
18 purchase, or sale of a vehicle in the program; and

19 (5) procedures for determining the degree and amount
20 of repair assistance a vehicle is allowed, based on:

21 (A) the amount of money the vehicle owner has
22 spent on repairs;

23 (B) the vehicle owner's income; and

24 (C) any other relevant factors.

25 (b) A replacement vehicle described by Subsection (a)(2)
26 must:

27 (1) except as provided by Subsection (c), be a vehicle

1 in a class or category of vehicles that has been certified to meet
2 federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R.
3 Section 86.1811-04, as published in the February 10, 2000, Federal
4 Register;

5 (2) have a gross vehicle weight rating of less than
6 10,000 pounds;

7 (3) have an odometer reading of not more than 85,000
8 [~~70,000~~] miles; and

9 (4) be a vehicle the total purchase price [~~cost~~] of
10 which does not exceed:

11 (A) for a vehicle described by Subsection
12 (a)(2)(A) or (B), \$35,000; or

13 (B) for a vehicle described by Subsection
14 (a)(2)(C), \$45,000.

15 (f) For the purposes of Subsection (b), a reference to the
16 total purchase price of a motor vehicle that is sold [~~In this~~
17 ~~section, "total cost"~~] means the total amount of money paid or to be
18 paid for the purchase of a motor vehicle as set forth as "sales
19 price" in the form entitled "Application for Texas Certificate of
20 Title" promulgated by the Texas Department of Motor Vehicles. In a
21 transaction that does not involve the use of that form, the term
22 means an amount of money that is equivalent, or substantially
23 equivalent, to the amount that would appear as "sales price" on the
24 Application for Texas Certificate of Title if that form were
25 involved.

26 SECTION 5. Section 382.220, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 382.220. COUNTY USE OF MONEY FROM VEHICLE EMISSIONS
2 INSPECTION FEES; [FUNDING FOR] LOCAL INITIATIVE PROJECTS. (a) The
3 commission:

4 (1) shall provide funding to participating counties
5 for local low-income vehicle repair assistance, retrofit, and
6 accelerated vehicle retirement programs under Section 382.209
7 using:

8 (A) available funds derived from fees collected
9 through vehicle emissions inspection and maintenance programs
10 under Sections 382.202 and 382.302; and

11 (B) other designated and available funds; and

12 (2) may provide funding to participating counties for
13 local initiative projects under Subsection (b) using available
14 funds derived from fees collected through vehicle emissions
15 inspection and maintenance programs under Sections 382.202 and
16 382.302.

17 (a-1) A participating county that implements a local
18 initiative project under Subsection (b) must use at least 50
19 percent of the money made available to the county under Section
20 382.202(g) or 382.302 for the county's low-income vehicle repair
21 assistance, retrofit, and accelerated vehicle retirement program.

22 (a-2) Money that is made available to participating
23 counties under Section 382.202(g) or 382.302 may be appropriated
24 only for programs administered in accordance with Chapter 783,
25 Government Code, to improve air quality.

26 (a-3) A participating county may agree to contract with any
27 appropriate entity, including a metropolitan planning organization

1 or a council of governments, to implement a program under Section
2 382.202 ~~or~~ 382.209 ~~or~~ a project under Subsection (b) ~~[this~~
3 ~~section]~~.

4 (b) A participating county may implement a local initiative
5 project, which ~~[program under this section]~~ must be implemented in
6 consultation with the commission and may include a program to:

7 (1) expand and enhance the AirCheck Texas Repair and
8 Replacement Assistance Program;

9 (2) develop and implement programs or systems that
10 remotely determine vehicle emissions and notify the vehicle's
11 operator;

12 (3) develop and implement projects to implement the
13 commission's smoking vehicle program;

14 (4) develop and implement projects in consultation
15 with the director of the Department of Public Safety for
16 coordinating with local law enforcement officials to reduce the use
17 of counterfeit registration insignia and vehicle inspection
18 reports by providing local law enforcement officials with funds to
19 identify vehicles with counterfeit registration insignia and
20 vehicle inspection reports and to carry out appropriate actions;

21 (5) develop and implement programs to enhance
22 transportation system improvements; ~~or~~

23 (6) develop and implement new air control strategies
24 designed to assist local areas in complying with state and federal
25 air quality rules and regulations; or

26 (7) improve air quality through the replacement and
27 retirement of fleet vehicles as authorized by Subsection (d).

1 (c) Except as provided by Subsection (d), money [~~Money~~] that
2 is made available for the implementation of a program under
3 Subsection (b) may not be expended for local government fleet or
4 vehicle acquisition or replacement, call center management,
5 application oversight, invoice analysis, education, outreach, or
6 advertising purposes.

7 (d) A participating county may use money that has been
8 allocated by the commission to the county for a program under
9 Subsection (b) and that has not been spent by the last day of the
10 fiscal year in which the money was allocated for the replacement and
11 retirement of local government fleet vehicles. Money available for
12 use under this subsection must be spent not later than the second
13 anniversary of the last day of the fiscal year in which the
14 commission allocated the funds [~~Fees collected under Sections~~
15 ~~382.202 and 382.302 may be used in an amount not to exceed \$7~~
16 ~~million per fiscal year for projects described by Subsection (b),~~
17 ~~of which \$2 million may be used only for projects described by~~
18 ~~Subsection (b)(4). The remaining \$5 million may be used for any~~
19 ~~project described by Subsection (b). The fees shall be made~~
20 ~~available only to counties participating in the low-income vehicle~~
21 ~~repair assistance, retrofit, and accelerated vehicle retirement~~
22 ~~programs created under Section 382.209 and only on a matching~~
23 ~~basis, whereby the commission provides money to a county in the same~~
24 ~~amount that the county dedicates to a project authorized by~~
25 ~~Subsection (b). The commission may reduce the match requirement~~
26 ~~for a county that proposes to develop and implement independent~~
27 ~~test facility fraud detection programs, including the use of remote~~

1 ~~sensing technology for coordinating with law enforcement officials~~
2 ~~to detect, prevent, and prosecute the use of counterfeit~~
3 ~~registration insignia and vehicle inspection reports].~~

4 SECTION 6. Section 382.302(e), Health and Safety Code, is
5 amended to read as follows:

6 (e) A participating county may participate in the program
7 established under Section 382.209 and may implement a local
8 initiative project under Section 382.220.

9 SECTION 7. This Act takes effect September 1, 2017.